

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

BOBBY WAYNE PRESLEY,

Plaintiff,

v.

**UNION PACIFIC RAILROAD
COMPANY,**


Defendant.

Case No. CIV-10-252-SPS

**OPINION AND ORDER DENYING DEFENDANT UNION PACIFIC
RAILROAD COMPANY'S MOTION FOR SUMMARY JUDGMENT**

Upon consideration of the Defendant's Motion for Summary Judgment [Docket No. 131], the Court finds genuine issues of material fact regarding the issue of liability. The existence of such fact questions preclude summary judgment, *see* Fed. R. Civ. P. 56(a) ("The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."), and the Defendant's motion is accordingly hereby DENIED.

DATED this 9th day of January, 2014.



Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma